

FLH Docket No. 678503-2001.1

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

(Under 37 CFR § 1.63; includes reference to PCT International Applications)



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

**INFECTIVITY-ENHANCED CONDITIONALLY-REPLICATIVE ADENOVIRUS AND USES THEREOF**

the specification of which:

- is attached hereto
- was filed on October 30, 2003 as United States Application Serial No. 10/697,535,
- as a Continuation-in-Part of U.S. Application Serial No. 09/569,789, filed May 12, 2000
- with amendments through DATE EVEN HEREWITH (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

<u>Country (or PCT)</u>	<u>Application Number:</u>	<u>Filed (Day/Month/Year)</u>	Priority Claimed:
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States application listed below:

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

## BEST AVAILABLE COPY

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Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

<u>U.S. Serial No.:</u>	<u>Filed (Day/Month/Year)</u>	<u>PCT Application No.</u>	<u>Status (patented, pending, abandoned)</u>
09/569,789	12 MAY 2000		PENDING
60/133,634	12 MAY 1999		ABANDONED

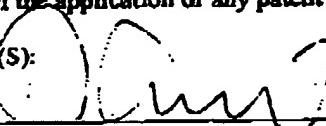
I hereby appoint Thomas J. Kowalski, Registration No. 32,147, and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to file continuation and divisional application, to make alterations and amendments therein, to file continuation and divisional application, to receive the Patent, and to transact all business in the Patent and Trademark Office and in connection therewith, and to insert the Serial Number of the application in the space provided, and to specify that all communications about the application are to be directed to the following address:

Thomas J. Kowalski, Esq.  
c/o FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151

Direct all telephone calls to: (212) 88-0800  
to the attention of: Thomas J. Kowalski

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature:   
 Full name of sole or first inventor: David T. CURIEL  
 Residence: 824 Linwood Drive, Birmingham, AL 35222  
 Citizenship: USA

Date: 3/16/04

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of 2nd joint inventor (if any): Victor KRASNYKH  
 Residence: 691 Rime Village Drive, Birmingham, AL 35216  
 Citizenship: USA

Date: 03/11/04

Signature:   
 Full name of 3rd joint inventor (if any): Ramon ALEMANY  
 Residence: 2344 Chase Lake Parkway, Birmingham, AL 35213  
 Citizenship: USA Carrer Pi i MARGALL 90-92 3-i RA

Date: 03/11/04

Signature:   
 Full name of 4th joint inventor (if any): Igor DMITRIEV  
 Residence: 929 Valley Avenue, Apt. A, Homewood, AL 35209 ID  
 Citizenship: USA 709 Highland Av. BIRMINGHAM, AL 35206

Date: 03/11/04

Post Office Address(es) of inventors (if different from residence):

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Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

<u>U.S. Serial No.:</u>	<u>Filed (Day/Month/Year)</u>	<u>PCT Application No.</u>	<u>Status (patented, pending, abandoned)</u>
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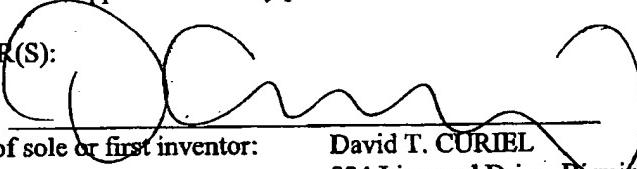
I hereby appoint Thomas J. Kowalski, Registration No. 32,147, and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

Thomas J. Kowalski, Esq.  
c/o FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151

Direct all telephone calls to: (212) 588-0800  
to the attention of: Thomas J. Kowalski

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: 

Date: 4/28/04

Full name of sole or first inventor:

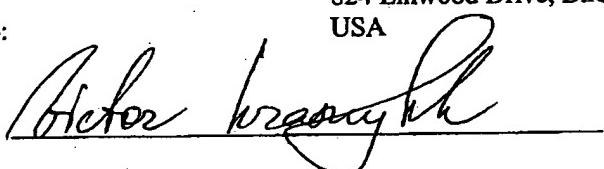
David T. CURIEL

Residence:

824 Linwood Drive, Birmingham, AL 35222

Citizenship:

USA

Signature: 

Date: 04-27-04

Full name of 2nd joint inventor (if any): Victor KRASNYKH

Residence: 9550 Meyer Forest Dr, Apr 1729, Houston, TX 77096

Citizenship:

Russia

Signature: \_\_\_\_\_

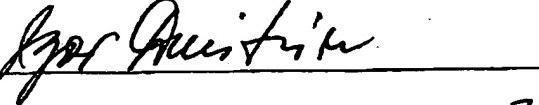
Date: \_\_\_\_\_

Full name of 3rd joint inventor (if any): Ramon ALEMANY

Residence: 2314 Chace Lake Parkway, Birmingham, AL 35244

Citizenship:

USA

Signature: 

Date: 4/29/04

Full name of 4th joint inventor (if any): Igor DMITRIEV

Residence: 929 Valley Avenue, Apt. A, Homewood, AL 35209

Citizenship:

USA RUSSIA

ID

Post Office Address(es) of inventors [if different from residence]: